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2145978

October 16, 2007

VIA FEDERAL EXPRESS

Linda Ketellapper, SFD-7-5
Enforcement Officer
United States Environmental Protection Agency, Region IX
75 Hawthorne Street
San Francisco, CA 94105

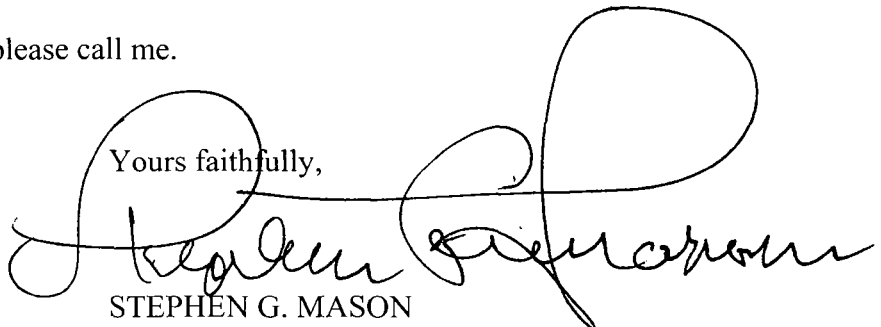
Re: Omega Superfund Site

Dear Ms. Ketellapper:

In line with the delivery of documents which you should have received today, I have enclosed herewith the fully executed written response of Air Liquide America L.P. to the 104(e) Request for Information of the United States Environmental Protection Agency.

Should you have questions, please call me.

Yours faithfully,



STEPHEN G. MASON

SGM:lam

cc: Stephen D. Berninger, EPA
Stephanie K. Payne, Esq.

**STEPHANIE K. PAYNE
GENERAL COUNSEL & VICE PRESIDENT
QUALITY & REGULATORY AFFAIRS
AIR LIQUIDE USA LLC
2700 POST OAK BOULEVARD. SUITE 1800
HOUSTON, TEXAS 77056
(713) 624-8387 • (713) 402-2053 [fax]**

**STEPHEN G. MASON
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Attorneys for Respondent Air Liquide America L.P.

**BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX**

In Re: OMEGA SUPERFUND SITE,)	
)	RESPONSE OF AIR LIQUIDE
)	AMERICA L.P. TO 104(e)
Real Property: 8832-8838 Dice Rd.)	REQUEST FOR INFORMATION
Santa Fe Springs, California)	
)	
APN: 8168-012-010)	
)	
)	
)	
)	
)	

PRELIMINARY STATEMENT

Air Liquide America L.P. ("ALALP") hereby responds in good faith to the 104(e) Request for Information ("RFI") of the United States Environmental Protection Agency ("EPA") with such completeness as is reasonably possible given the scope of the RFI and the imposed deadline. ALALP reserves the right to supplement or amend this response based upon new information, or upon existing information that has been newly discovered.

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Response of Air Liquide America L.P. to 104(e) Request**

All current and former employees who were consulted in respect of, or who gathered information for, this response acted at the specific direction of supervising counsel. Each is represented by supervising counsel in respect of this matter. Accordingly, all further contact of any kind concerning this matter should be directed to:

Stephanie K. Payne, Esq.
General Counsel & Vice President
Quality & Regulatory Affairs
Air Liquide USA LLC
2700 Post Oak Boulevard, Suite 1800
Houston, Texas 77056
(714) 624-8387 • (714) 402-2053 [fax]

GENERAL OBJECTIONS

ALALP objects to "Instruction No. 7" to the extent it would require the disclosure of information, in whatever form held, protected by the attorney-client privilege, the attorney work product doctrine, the joint defense privilege or the common interest privilege. CERCLA section 104(e) neither preempts nor abrogates state statutory or common law privileges. Therefore, responsive "information and documents independently developed or obtained by research on the part of [ALALP or any of its affiliates by] its attorneys," or consultants, agents or employees working at the direction of counsel, may be privileged or otherwise protected from disclosure. In such cases, ALALP will provide a log listing documents withheld from production.

These General Objections shall be deemed to be incorporated by reference into each and every response below as if set forth fully and completely.

ACRONYMS/INITIALS/SHORT NAMES

A glossary of acronyms, initials and short names appears as Exhibit A. Acronyms, initials and short names are given after the first appearance of an entity's full name. Thereafter they are used throughout.

REQUEST NO. 1

State the full legal name, address, telephone number, position(s) held by and tenure of the individual(s) answering any of these questions on behalf of Air Liquide America L.P., corporate successor to Liquid Air, Inc. f/k/a American Cryogenics, (hereinafter "Air Liquide") concerning the facility located at 8832-8838 Dice Road, Santa Fe Springs, CA and APN 8168-012-010 (the "Properties").

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RESPONSE NO. 1

The following personnel were consulted and gathered information at the direction of counsel:

Name	Address & Telephone No.	Positions & Tenure
Amodeo-Cathey, Susan	Air Liquide USA LLC ("ALUSA LLC") 2700 Post Oak Boulevard Houston, Texas 77056 Tel: 713-624-8214	<u>2007</u> : Director, Environmental Regulatory Affairs, ALUSA LLC; <u>2006</u> : Director, Regulatory Affairs, ALUSA LLC; <u>2005</u> : Director, Environmental Legal Affairs, ALUSA LLC; <u>2002 - 2004</u> : Manager, Environmental Legal Affairs, ALALP; <u>2002</u> : Manager, CO2 Quality, Air Liquide America Corporation ("ALAC"); <u>1998 - 2001</u> : Manager, Environmental Affairs & Responsible Care, ALAC; <u>1997</u> : Manager, Responsible Care, ALAC.
Barran, Lisa	ALUSA LLC Address as above. Tel: 713-624-8000	<u>2005 to present</u> : Asst. to the VP & General Counsel – Quality & Regulatory Affairs, ALUSA LLC; <u>2002 to 2004</u> : Asst. to the General Counsel, Compliance, ALALP; <u>1997 to 2002</u> : Asst. to the Asst. General Counsel, ALAC.
Bisby, Annette	ALALP Address as above. Tel: 713-624-8000	<u>Nov. 2004 to present</u> : HSE & Risk Management Rep., ALALP;

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		<u>Jan. to Nov. 2004:</u> Project Manager, ALALP; <u>Oct. 2002 to Jan. 2004:</u> Health & Safety Manager, ALALP; <u>Sept. 2002 to Oct. 2002:</u> Health & Safety Manager, ALAC.
Dailey, Donna	ALUSA LLC Address as above. Tel: 713-624-8388	<u>Jan. 2005 to present:</u> Real Property Manager, ALUSA LLC; <u>Oct. 2002 – Jan. 2005:</u> Real Property Manager, ALALP; <u>Jan. 1994 to Oct. 2002:</u> Real Property Manager, ALAC.
Davis, Tammy	ALALP Address as above. Tel: 713-624-8000	<u>Feb. 2005 to present:</u> Area HSE Specialist, ALALP.
Denney, Kimberly	ALALP Address as above. Tel: 713-624-8000	<u>Jan. 2005 to present:</u> President, ALALP; <u>Jan. 2005 to present:</u> President, ALA GP LLC.†
Hunter, Lisa*	Air Liquide Industrial U.S. LP (“ALIUS”) 9756 Santa Fe Springs Rd. Santa Fe Springs, CA Tel: 562-906-8706	<u>Jan. 2005 to present:</u> Region Manager, ALIUS; <u>Oct. 2002 – Jan. 2005:</u> Region Manager, ALALP; <u>1994 to October 2002:</u> Region Manager, ALAC; <u>Oct. 1990 to 1993:</u> Floxal Systems Manager, Liquid Air Corporation (“LAC”).
Luna, Al	ALALP 8832 Dice Rd. Santa Fe Springs, CA 90670 562-464-5221	<u>1996 – Present:</u> Cylinder filler/maintenance; ALALP; <u>1994 – 1996:</u> Distribution

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		<p>Supervisor, Long Beach, ALAC;</p> <p><u>1990 - 1994: Distribution Supervisor, Long Beach, LAC;</u></p> <p><u>1972 - 1990: Cylinder filler/maintenance, LAC;</u></p> <p><u>1965 - 1972: Cylinder filler/maintenance; American Cryogenics, Inc. ("ACI").</u></p>
Motta, Rafael	<p>ALALP 8832 Dice Rd. Santa Fe Springs, CA 90670 562-464-5221</p>	<p><u>Sept. 2006 to present: Plant Manager, ALALP;</u></p> <p><u>Nov. 2005 to Sept. 2006: Specialty Gases Manager, ALALP;</u></p> <p><u>Aug. 2003 to Nov. 2005: Not employed by ALALP;</u></p> <p><u>Oct. 2002 to Aug. 2003: Area Quality Specialist, ALALP;</u></p> <p><u>Jan. 2001 to Oct. 2002: Area Quality Specialist, ALAC;</u></p> <p><u>Jan. 1999 to Jan. 2001: Quality Manager, ALAC;</u></p> <p><u>June 1996 to Jan. 1999: Specialty Gases Manager, ALAC;</u></p> <p><u>June 1, 1994 to June 1, 1996: Customer Service Manager, ALAC;</u></p> <p><u>Jan. 1994 to Dec. 31, 1994: Production Supervisor at Long Beach, CA facility, ALAC;</u></p> <p><u>June 1, 1991 to Dec. 31, 1994: Production Supervisor at Long Beach, CA facility, LAC;</u></p> <p><u>March 1, 1989 to June 1, 1991:</u></p>

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		Depot Manager at Dallas TX, LAC; <u>May 1988 to March 1, 1989:</u> Chemist in lab at 8832 Dice Rd., SFS, CA, LAC.
Smith, Donna	ALUSA LLC 2700 Post Oak Blvd. Houston, Texas 77056 Tel: 713-402-2399	<u>Sept. 2005 to present:</u> Corporate Environmental Manager (9/05 to 4/07 in HSE; 4/07 to present in Quality & Regulatory Affairs), ALUSA LLC.
Venet, François*	ALA GP LLC Address as above. Tel: 713-624-8000	<u>Jan. 2005 to present:</u> Manager, ALA GP LLC; <u>July 2000 to Oct. 2001:</u> Senior VP Merchant, ALAC.
Vickerman, Damian*	ALUSA LLC Address as above. Tel: 713-402-2393	<u>Aug. 2007 to present:</u> Environmental Specialist, ALUSA LLC.
Wight, Peggy	ALALP 9756 Santa Fe Springs Rd. Santa Fe Springs, CA Tel: 562-906-8758	<u>Oct. 2002 to present:</u> Manager, Operations Control, ALALP; <u>June 1995 to Sept. 2002:</u> Business Manager, ALAC; <u>Jan. 1994 – May 1995:</u> Administrative Manager, ALAC; <u>Sept. 1985 to Dec 1993:</u> Administrative Manager, LAC.

The following legal counsel supervised or participated in preparation of this response:

Payne, Stephanie K.	ALUSA LLC 2700 Post Oak Boulevard Houston, Texas 70056 Tel: 713-6248387	<u>2005 to present:</u> VP & General Counsel – Quality & Regulatory Affairs, ALUSA LLC; <u>Oct. 2002 to 2004:</u> General Counsel, Compliance, ALALP; <u>1998 to Sept. 2002:</u> Assistant
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		General Counsel, ALAC.
Mason, Stephen G.	Of Counsel Newell, Campbell & Roché 520 South Grand Ave. Suite 390 Los Angeles, CA 90071 Tel: 213-622-9444	Outside counsel

The following former employee was consulted concerning information responsive to this request:

Chin, B.K*.	11490 Westheimer Road. No. 400 Houston, Texas 77077 Tel: 281-529-7979	<u>Jan. 2005 to Sept. 2006:</u> Manager, ALA GP LLC; <u>Oct. 2002 to Jan 2005:</u> COO and Executive VP, ALALP; <u>June 2001 to Oct. 2002:</u> Executive VP, ALAC.
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* This person who was contacted had no information or documents responsive to EPA's request.

† Not an acronym; constitutes actual corporate name.

REQUEST NO. 2

State whether you are a past or current owner of the Properties. If so, provide a copy of the deed or other recorded instrument of conveyance evidencing your ownership of the Properties. As part of your response, identify the dates you owned the Properties.

RESPONSE NO. 2

ALALP has determined that "8832 – 8838 Dice Road," as cited by EPA, is now known as 8832 and 8820 Dice Road. Assessor's Parcel No. 8168-012-010, as cited by EPA, is a separate and additional strip of land. Each is addressed below:

As to 8832 Dice Road: ALALP currently owns this 1-acre tract in Santa Fe Springs, California (APN: 8168-013-008). The property was conveyed in January 1969 by California Oxygen Company ("COC") to American Cryogenics Inc., a Delaware corporation ("ACI"). In November 1970, ACI changed its name to LAI, and LAI later became ALALP. Title remains in the name of ACI.

As to 8820 Dice Road: At the time 8832 Dice Road was conveyed in January 1969 by COC to ACI, it consisted of four (4) parcels. Three of the four parcels are

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currently known as 8820 Dice Road (APN: 8168-013-027). On December 10, 1998, ALAC (now ALALP) and Dice Road LLC exchanged two small parcels of land, the result of which is the current configuration of the property now known as 8820 Dice Road. ALALP continues to own and operate 8820 Dice Road.

As to Assessor's Parcel No. 8168-012-010: ACI currently owns this parcel, which is a strip of land approximately 30' X 100' having a total area of 3,050 square feet. On December 19, 1969, ACI acquired the property as part of a larger conveyance to it by the Southern Pacific Transportation Company ("SPTCO") of 0.305 acres. On July 14, 1970, ACI conveyed all but 3,050 square feet of the 0.305 acres to one Mr. Covell W. Roberts, Jr.

Documents Produced Supporting Response

- (i) Corporate filings with Delaware Secretary of State as follows:
 - a. February 24, 1964 Certificate of Incorporation of ACI
 - b. November 24, 1970 Certificate of Amendment of Certificate of Incorporation changing name of ACI to LAI
 - c. December 15, 1980 Certificate of Amendment of Certificate of Incorporation changing name of LAI to LAI Holdings, Inc. ("LAIHI")
 - d. November 30, 1981 Certificate of Amendment of Certificate of Incorporation changing name of LAIHI to LAI Properties, Inc. ("LAIPI")
 - e. December 8, 1993 Certificate of Amendment of Certificate of Incorporation changing name of LAIPI to ALAC
 - f. October 1, 2002 Certificate of Conversion from a Corporation to a Limited Partnership converting ALAC to ALALP
- (ii) As to 8832 and 8820 Dice Road:
 - a. January 24, 1969 Corporate Grant Deed from COC to ACI
 - b. December 8, 1998 Grant Deed from Dice Road LLC to ALAC
 - c. December 10, 1998 Grant Deed from ALAC to Dice Road LLC

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- d. Site Inventory, *included in* Phase I & II Environmental Site Assessments, Witco Corporation, North Plant-East¹
- (iii) As to APN 8168-012-010:
 - a. December 19, 1969 conveyance from SPTCO to ACI
 - b. July 14, 1970 Grant Deed from ACI to Covell W. Roberts, Sr.

Party Providing Information

Donna Dailey

REQUEST NO. 3

If you are the current or past owner (including, in the form of Liquid Air, Inc., f/k/a American Cryogenics) of the Properties, and if at any time during your ownership of such address you rented or leased the Properties to any individuals or entities, provide the name of such individuals or entities, the respective dates you rented or leased to each individual or entity and a copy of the lease(s), rental agreement(s), and/or any other document(s) governing each leasehold relationship.

RESPONSE NO. 3

From approximately October 1972 to December 1990, all operations were conducted by LAC, an affiliate of ALALP. From June 6, 1980 to November 30, 1983, the property now known as 8832 Dice Road was occupied under an “absolute license”² by the MG Burdett Gas Products Company (“MG Burdett”). In or about 1982, MG Burdett was merged into Messer Griesheim Industries, Inc. (“MGII”). In May 2004, MGII was converted to a Delaware limited liability company under the name Messer Griesheim Industries LLC (“MGLLC”), and in August 2004, MGLLC changed its name to ALIG LLC. As of May 2004, ALIG LLC† and ALALP are affiliated companies.

Documents Produced Supporting Response

¹ The Site Inventory is the basis of ALALP’s determination that 8832-8838 Dice Road is now known as 8832 and 8820 Dice Road. The Witco ESAs cover .05 acres of the property now known as 8820 Dice Road. They have either been produced herewith, or will be produced presently in a supplemental delivery of documents

² ALALP has determined that the “absolute license,” which expired in 1983, was placed in storage in 1993 and destroyed in 2003. After a diligent search and reasonable inquiry, ALALP has been unable to locate a copy of the “absolute license.”

† Not an acronym, constitutes actual corporate name

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- (i) Section 17.e of that certain Agreement dated June 30, 1972 between L'Air Liquide, Societe Anonyme Pour L'etude Et L'Exploitation des Procédes Georges Claude ("ALSA"), Canadian Liquide Air Ltd., Jersey Enterprises Inc., International Liquid Air, Inc. (now known as LAC),³ American Air Liquide ("AAL"), LAI, U.S. Divers Co., and La Spirotechnique, on the one hand, and Jacques Cousteau, on the other hand, together with an undated letter (circa 1990 based upon board consent addressing such contribution to capital) wherein LAC contributed assets owned or leased and used by its industrial gas business to LAIPI (now known as ALALP)⁴
- (ii) Separation Agreement, Santa Fe Springs, California dated June 6, 1980
- (iii) Unrecorded Grant Deed
- (iv) October 13, 1983 Memorandum regarding removal of MG Burdett's air separation plant from the Santa Fe Springs property
- (v) As to MG Burdette:
 - a. December 30, 1982 Certificate of Ownership and Merger, Merging MG Burdett into MGII
 - b. May 13, 2004 Certificate of Conversion from MGII to MGLLC
 - c. August 5, 2004 Certificate of Amendment of Certificate of Formation of MGLLC changing name to ALIG LLC

Party Providing Information

Donna Dailey

REQUEST NO. 4

Identify all individuals or entities that owned the Properties prior to or subsequent to its ownership by Air Liquide and provide the name, address and telephone number of those individuals or entities.

RESPONSE NO. 4

³ International Liquid Air, Inc. changed its name to LAC in March 1973.

⁴ It is possible to construe this 1990 document to suggest that LAC in fact operated the property until 1994. The manager of Respondent's legal department (Ms. Kathleen Brown) was employed by Respondent at the time and believes this to be correct.

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As to 8832 and 8820 Dice Road, APN: 8168-013-008

February 23, 1961: The property, consisting of four (4) parcels, was conveyed this date by The Burdett Oxygen Company of Cleveland, Incorporated, an Ohio corporation ("BOCC"), to American Cryogenics, Inc., a Georgia corporation ("ACIG"). In May 1964 BOCC changed its name to Burdett Oxygen Co. of Cleveland, Inc. ("BOCCI"); in June 1974, BOCCI changed its name to Burdax, Inc. ("BXI"); in May 1978, BXI changed its name to AGA Burdax, Inc. ("AGABXI"); in December 1982, AGABXI changed its name to AGA Gas, Inc. ("AGAGI"), and in January 2004, AGAGI was merged into Linde Gas LLC, a Delaware limited liability company ("LGLLC"). ALALP is not affiliated with the former BOCC. After a diligent search and reasonable inquiry, ALALP is unable to determine whether ACIG is affiliated with ACI. The Georgia Secretary of State has no record of ACIG having been formed in Georgia, and ALALP has no records connecting ACIG to ACI. After a diligent search and reasonable inquiry, ALALP has been unable to locate any contact information for ACIG.

March 21, 1961: The property, consisting of four (4) parcels, was conveyed this date by ACIG to COC. After a diligent search and reasonable inquiry, ALALP has been unable to locate any contact information for COC.

January 24, 1969: The property, consisting of four (4) parcels, was conveyed this date by COC to ACI. ALALP was formerly known as ACI.

December 8, 1998 and December 10, 1998: On December 8, 1998, Dice Road LLC conveyed to ALAC by Grant Deed a small portion of the property located on the south side of the property owned by Dice Road LLC. In exchange, on December 10, 1998, by Grant Deed, a small portion of the property at 8820 Dice Road located on the north side thereof was conveyed by ALAC to the adjacent northern landowner, Dice Road LLC, the result of which is the current configuration of 8820 Dice Road. To the best of ALALP's knowledge, EPA should contact Dice Road LLC for information concerning Dice Road LLC's ownership. The 1998 Grant Deed lists Dice Road LLC's address as 4675 MacArthur Court, Suite 430, Newport Beach, CA 92660. The conveyance from Dice Road LLC is executed by Mr. Ralph Wintrode, Managing Member of RCW Properties, LLC, Managing Member of Dice Road LLC. The last known contact for Mr. Wintrode is at the firm of Gibson Dunn & Crutcher, 4 Park Plaza, Irvine, CA 92714.

As to The 0.305 Acres, APN: 8168-012-010

Pre-December 1969: The property was owned by SPTCO. To the best of ALALP's knowledge, EPA should contact the Union Pacific Corporation ("UP"), successor to SPTCO, for information concerning SPTCO's ownership.

July 14, 1970: ACI conveyed all but 3,050 square feet of the 0.305 acres to

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Mr. Covell W. Roberts, Sr. The 1970 deed lists Mr. Roberts's address as 9211 Lubec Street, Downey, CA 90240. After a diligent search and reasonable inquiry, ALALP is unable to locate any further contact information for Mr. Roberts.

Documents Produced Supporting Response

As to 8832 Dice Road, APN: 8168-013-008

- (i) Regarding BOCC:
 - a. May 13, 1964 Certificate of Adoption of Amended Articles of Incorporation of BOCC, changing name to BOCCI
 - b. June 26, 1974 Certificate of Amendment to Amended Articles of Incorporation of BOCCI, changing name to BXI
 - c. May 5, 1978 Certificate of Amendment of Articles of Incorporation of BXI, changing name to AGABXI
 - d. December 30, 1982 Certificate of Amendment of Articles of Incorporation of AGABXI, changing name to AGAGI
 - e. January 1, 2004 Certificate of Merger merging AGAGI into LGLLC
- (ii) February 23, 1961 Grant Deed from BOCC to ACIG
- (iii) March 21, 1961 Grant Deed from ACIG to COC
- (iv) Same document as Response 2, (ii) a
- (v) Same documents as Response 2, (ii) b and c

At to The 0.305 Acres, APN: 8168-012-010

- (i) Same documents as Response 2, (iii) a and b

Party Providing Information

Donna Dailey

REQUEST NO. 5

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State whether you are currently operating at the Properties or have ever operated there in the past (including operating as Liquid Air, Inc. f/k/a American Cryogenics). If so, identify the dates you operated at the Properties. If you were not the owner of the Properties at any time during your period of operations there, provide a copy of the lease(s), rental agreement(s) or any other document(s) that establish(es) your relationship to the Properties.

RESPONSE NO. 5

For ease of reference the operating status of the Properties is presented in chronological order by date, starting with the earliest known information:

As to 8832 and 8820 Dice Road, APN: 8168-013-008

[Date unknown] to February 22, 1961: The Properties were owned and operated by BOCC.

February 23, 1961 to March 20, 1961: The Properties were owned and operated by ACIG.

March 21, 1961 to January 23, 1969: The Properties were owned and operated by COC.

January 24, 1969 to October 1972: The Properties were owned and operated by ACI.

November 1972 to June 6, 1980: The Properties were owned by ACI and operated by LAC.

June 6, 1980 to November 30, 1983: The Properties were owned by ACI, and all operations, excluding the air separation plant located at 8832 Dice Road, were operated by LAC. The air separation plant located at 8832 Dice Road was operated under an "absolute license" by MG Burdett. In or about 1982, MG Burdett was merged into MGII. In May 2004, MGII was converted to a Delaware limited liability company identified *supra* by the initials MGLLC, and in August 2004, MGLLC changed its name to ALIG LLC. As of May 2004, ALIG LLC and ALALP are affiliated companies.

December 1, 1983 to December 1994: The Properties were owned by ACI and operated by LAC, now AL America Holdings, Inc. ("ALAHF"), successor by merger to LAC.

December 1994 to Present: The property was and is owned by ACI and operated by ALAC, which is now known as ALALP.

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As to The 0.305 Acres, APN: 8168-012-010

Pre-December 1969: The property was owned by SPTCO. To the best of ALALP's knowledge, EPA should contact UP, successor to SPTCO, for information concerning SPTCO's ownership.

July 14, 1970: ACI conveyed all but 3,050 square feet of the 0.305 acres to Mr. Covell W. Roberts, Sr. The 1970 deed lists Mr. Roberts's address as 9211 Lubec Street, Downey, CA 90240. After a diligent search and reasonable inquiry, ALALP is unable to locate any further contact information for Mr. Roberts.

Documents Produced Supporting Response

- (i) Real property ownership documents are the same documents provided in Response 2 and Response 4
- (ii) As to MG Burdett, the corporate documents are the same documents provided in Response 3, item (v)
- (iii) As to LAC, merger into ALAHL.

Parties Providing Information

Donna Dailey

REQUEST NO. 6

If you are not currently operating at the Properties, identify the current operators of the Properties and provide the dates such current operators began doing business at such address. To the best of your knowledge, describe the types of current operations at the Properties. Provide copies of all environmental documents and facility information in your possession regarding current operations at the Properties.

RESPONSE NO. 6

In addition to its General Objections, which are incorporated herein by reference, ALALP objects further on grounds that Request No. 6 is vague and ambiguous in that it is unclear whether, in its entirety, it need only be answered in the event that ALALP is "not currently operating at the Properties" ALALP objects further on grounds that Request No. 6 is burdensome and oppressive, overbroad, and lacks proportionality and reasonable particularity. Specifically, the request for "all environmental documents and facility information," taken literally, could require an enormous production of material and information of no relevance to EPA's investigation.

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Without waving the foregoing objections, and subject thereto, ALALP responds as follows:

ALALP currently owns and operates the property at 8832 Dice Road, APN: 8168-013-008; 8820 Dice Road, APN: 8168-013-027; and APN: 8168-012-010.

Operations at 8832 Dice Road and 8820 Dice Road are as follows:

- (i) 8832 Dice Road: This property is currently used for parking. At least as early as August 1969, it accommodated an air separation plant. In June 1980, the air separation plant was sold to MG Burdett. MG Burdett dismantled and removed the plant in November 1983.
- (ii) 8820 Dice Road:
 - a. *Cylinder filling:* ALALP currently operates the property at 8820 Dice Road for cylinder filling and hydrogen cascading operations for industrial and specialty gases, including distribution of such products. ("Cascading" is the process of filling cylinders from a hydrogen tube trailer.) ALALP does not know the date that cylinder filling operations commenced. However, to the best of ALALP's knowledge such operations were ongoing at the time of acquisition of ACI.
 - b. *Acetylene production and acetylene cylinder filling:* The property was previously used for acetylene fill plant operations, including lime disposal, with such operations ongoing upon acquisition of ACI and ending in 2001.
 - c. *Truck repair and maintenance:* Truck repair and maintenance operations were ongoing upon acquisition of ACI. They ended in 1989.
 - d. *Hydrogen production:* The property was previously used for electrolytic hydrogen production from the 1960s until 1975 when operations ceased. The plant was removed in 1989.
 - e. *Cylinder repair and maintenance:* The property is currently used for painting and replacing cylinder valves. From the acquisition of ACI until 1996, in addition to the above operations, hydrostatic testing of cylinders was performed on the property with hydrostatic testing operations ceasing in 1996.

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- (iii) Operations at APN 8168-012-010: ALALP has used this property since its acquisition in December 1969 solely for access from Sorrensen Road to the property located at 8820 Dice Road and 8832 Dice Road

Documents Produced Supporting Response

- (i) Untitled/undated blue line drawing of property pre-1980, showing the configuration of 8832 Dice Road and 8820 Dice Road.
- (ii) April 1993 Technical Report Assessment of Impact to Groundwater Quality from Lime Storage Pits, Section II, Site History, subsection A., "Historical Operations," and subsection B., "Current Operations."

Parties Providing Information

Donna Dailey
Al Luna
Rafael Motta

REQUEST NO. 7

Provide a list of employees who had knowledge of the use and disposal of hazardous substances at the Air Liquide facility at the Properties during the entire time period that Air Liquide or any of its predecessors, successors, subsidiaries, affiliates, contractors, trustees, assigns or agents, was associated with this facility. For each employee listed, provide the following information:

- a. The employee's full name;
- b. The employee's current or last known address(es) and telephone number(s), including the last known date on which you believe each address and telephone number was current;
- c. The employee's Social Security Number;
- d. Identify the entire time period that the employee worked at the facility; and
- e. The position(s) the employee held with each business entity during his or her entire period of employment at the facility and the year or years that the employee held each listed position.

RESPONSE NO. 7

In addition to its General Objections, which are incorporated herein by reference, ALALP objects further on grounds that Request Nos. 7b and 7c are violative of the right

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of privacy expressly conferred upon citizens of the State of California by Article I, section 1 of the California Constitution. ALALP objects further on grounds that disclosing the addresses, telephone and social security numbers of current or former employees in this response makes such information part of an unprotected public record, and could subject such current or former employees to identity theft, financial fraud or other harms and invasions of privacy. ALALP objects further on grounds that disclosing such information could subject ALALP to liability for the violation of constitutional, statutory and common law privacy rights.

Without waiving the foregoing objections, and subject thereto, ALALP responds as follows:

Respondent is gathering responsive information and will supplement this response when its compilation is complete.

Documents Produced Supporting Response

None

Parties Providing Information

Al Luna
Rafael Motta

REQUEST NO. 8

Identify and explain all of the business operations of Air Liquide (including the business operations of Liquid Air, Inc., [f/k/a American Cryogenics) at the Properties, including such information as the size of the facility, number of employees, dates of operation, product(s) manufactured and a description of the daily activities. Include a historical perspective of all changes in operations over time. In addition, provide a scaled map of the facility, which includes the locations of significant buildings and features. Indicate the locations of any maintenance shops, hazardous material or waste storage area(s), machine shops, degreasers, liquid waste tanks, clarifiers, chemical storage tanks and fuel tanks. Provide a physical description of the facility and identify the following:

- a. Surface structures (e.g., buildings, tanks, containment and/or storage areas, etc.);
- b. Subsurface structures (e.g., underground tanks, sumps, pits, clarifiers, etc.);
- c. Groundwater and dry wells, including drilling logs, date(s) of construction or completion, details of construction, uses of the well(s), date(s) the well(s) was/were abandoned, depth to groundwater, depth of well(s) and depth to and of screened interval(s);

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- d. Past and present stormwater drainage system and sanitary sewer system, including septic tank(s) and subsurface disposal field(s);
- e. Any and all additions, demolitions or changes of any kind to physical structures on, under or about the facility or to the property itself (e.g. excavation work), and state the date(s) on which such changes occurred; and
- f. Indicate the location of all waste storage or waste accumulation areas, waste disposal areas, dumps, leach fields, burn pits and any other disposal locations.

RESPONSE NO. 8

In addition to its General Objections, which are incorporated herein by reference, ALALP objects further on grounds that Request No. 8 is burdensome and oppressive and lacks proportionality. ALALP objects further on grounds that, by its terms, Request No. 8 purports to require ALALP to create a document for production that does not already exist. Specifically, Request No. 8 purports to command ALALP to create a “scaled map,” containing depictions of the locations of nine (9) discrete facilities or property characteristics that may have existed at the properties.

Without waiving the foregoing objections, and subject thereto, ALALP responds as follows:

- 1. Current and historical business operations of ALALP and its affiliates at the Properties are identified and explained above in response to Request No. 6.
- 2. A current physical description of the facilities, as well as changes to the facilities, is shown on the drawings listed below under “Documents Produced Supporting Response.”
- 3. Structures, storage areas, equipment indexes and other items to which subdivisions “a” through “f” above refer, are depicted and legended on items (iv) and (v) below under “Documents Produced Supporting Response.”

Documents Produced Supporting Response

- (i) Untitled/undated blue line drawing of property, being the same drawing referenced in Response 6, Documents Supporting Response, item (i)
- (ii) Undated Preliminary ALTA Survey prepared by Technological Engineering Corp

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- (iii) Tentative Parcel Map No. 13513, dated May 27, 1980
- (iv) Equipment Location Plan: Fill Plant, Santa Fe Springs, Ca.
- (v) Plot Plan, Site Plan and Evacuation Plan: Fill Plant, Santa Fe Springs, Ca.
- (vi) Conceptual Closure Plan, Liquid Air Corporation, 8832 Dice Road, Santa Fe Springs, California 90670, 4 September 1992 (Kennedy/Jenks Consultants)

Parties Providing Information

Annette Bisby
Donna Dailey
Peggy Wight

REQUEST NO. 9

Has Air Liquide (including the operations of Liquid Air, Inc., f/k/a American Cryogenics) ever or does Air Liquide currently use, manufacture, produce, or generate any hazardous substances/materials/waste in the operations at the Properties? If your answer is anything other than an unqualified "no" for the entire period since 1950:

- a. Identify the trade or brand name, chemical composition, and quantity used for each chemical or hazardous substance, and the relevant Material Safety Data Sheet for each product, and its period of use;
- b. Describe the process in which the hazardous substance is or was used, manufactured, generated or produced (including any current or discontinued processes);
- c. The location(s) where each chemical or hazardous substance is or was used, stored and disposed of. In addition, identify the kinds of wastes (e.g., scrap metal, construction debris, motor oil, solvents, waste water), quantities and methods of disposal for each chemical or hazardous substance;
- d. Describe the waste streams from any process in which any such hazardous substance is, or was used, manufactured, generated or produced;
- e. Provide copies of any permits for storage, treatment, or disposal of any waste stream from any process in which any hazardous substance is, or was used, manufactured, generated, or produced;

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- f. Provide copies of all hazardous material business plans and chemical inventory forms (originals and updates) submitted to city, county and/or state agencies; and
- g. Provide copies of all manifests governing hazardous substances generated by your operations at the Properties.

RESPONSE NO. 9

- a. Based on the Comprehensive Environmental Response, Compensation and Liability Act's ("CERCLA") definition of hazardous substances provided in the request for information, the following chemicals were or are used at the subject Properties:

- Dichloromethane (CASRN 75-09-2)
- Hexane (CASRN 110-54-3)
- Methanethiol (CASRN 74-93-1)
- Acetone (CASRN 67-64-1)
- Ethylene Oxide, Oxirane (CASRN 75-21-8)
- Potassium Hydroxide Solution (CASN 1310-58-3)

All substances, with the exception of potassium hydroxide, are purchased, stored, and used in essentially pure states. Brand or trade names are not generally provided for pure chemicals. Potassium hydroxide is purchased in a solution with water, with no brand name. MSDS sheets are provided for these chemicals, as well as a variety of other materials used at the facility which do not meet the CERCLA definition of hazardous.

Dichloromethane (also known as methylene chloride), hexane, methanethiol, acetone, ethylene oxide, and potassium hydroxide are kept in quantities from 0.5 to 5 liters. The inventory varies based on demand for the products in which the chemicals are used.

Past practices included use of 1,1,1-trichloroethane ("TCA"). Inventoried quantities of this material are not known, and retained documentation does not include inventories or purchases. Use of TCA was discontinued by corporate mandate in 1998 and all inventory at that time was shipped offsite for disposal.

- b. Dichloromethane, hexane, methanethiol, acetone, and ethylene oxide are or have been used in the laboratory, incorporated into specialty gas mixtures for analytical and calibration purposes. These materials are not generally disposed of. Inventory remains in storage in the laboratory until completely used.

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Potassium hydroxide solution is used to adjust the pH of solutions prepared in the laboratory. The process does not generate waste potassium hydroxide.

TCA, in past practice was used as a cleaner and degreaser for cylinders and equipment. Spent TCA was disposed of by an outside disposal firm.

- c. The listed hazardous substances are used and stored in the blending laboratory. As described above, the blending process does not generally produce waste containing these substances.

The other substances present at the facility (but not meeting the CERCLA definition of hazardous) are similarly use to blend specialty gas mixtures, or repackaged from bulk to cylinders of various sizes.

TCA, when it was used, was stored, used, and held as waste in the maintenance shop. Other wastes typically generated at this site are primarily scrap metal (from cylinder maintenance) and office waste. Past practices included vehicle maintenance, which generated used oil, which was collected in the maintenance shop and disposed of off-site. A one-time event occurred in 2002, when vacant buildings were demolished and debris from that demolition was disposed of off-site. Generally the site is a Conditionally Exempt Small Quantity Generator, due to the very small quantities of waste generated on-site.

- d. The only process on site currently is a blending operation. Other activities are packaging only. Past processes at the site included an air separation unit, which generates no hazardous waste, only used oil falling under the Universal Waste regulations.
- e. Air permits and water discharge documentation are enclosed. The site was a "Generator Only" under the Resource Conservation and Recovery Act ("RCRA") and no site-specific permit was ever required for waste management
- f. The Hazardous Material Business Plan is provided. The chemical inventory forms are provided.
- g. Waste manifests for the past three years are provided. Manifests are not retained past the RCRA requirement for retention.

Documents Produced Supporting Response

- (i) MSDS of the above chemicals, separated into those meeting the CERCLA definition of hazardous and those which do not

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- (ii) TRI (SARA 313) Reports
- (iii) Correspondence with California DTSC regarding waste generation quantity in 2002 and confirmation of site status as a Small Quantity Generator
- (iv) Hazardous Material Business Plan (See response to subdivision "f" above.)
- (v) Chemical Inventory
- (vi) Waste Manifests for the period 2005-2007 (waste manifests are not retained past the RCRA-required time)
- (vii) Air permits and documentation of permit fees and emissions inventories submitted to state agencies.

Parties Providing Information

Annette Bisby
Tammy Davis
Rafael Motta
Donna Smith
Peggy Wight

REQUEST NO. 10

Provide copies of all information and documentation related to approval of any remediation or cleanup activities conducted during your ownership or operations at the Properties.

RESPONSE NO. 10

ALALP reiterates that its General Objections are incorporated by reference into this response. ALALP therefore objects to Request No.10 to the extent it would require the disclosure of information, in whatever form held, protected by the attorney-client privilege, the attorney work product doctrine, the joint defense privilege or the common interest privilege. Without waiving the foregoing objections, and subject thereto, ALALP responds as follows:

Documents Produced Supporting Response

- (i) December 24, 1992 Hazardous Materials Underground Storage Closure Certification issued by the Los Angeles County Department of Public Works and January 4, 1993 Memorandum identifying products being

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stored in said underground storage as gasoline, diesel, acetone, and waste oil

- (ii) Positive Lab Service: Cover letter and Certificate of Analysis both dated July 6, 2007, for soil sample in respect of lime slurry tank removal
- (iii) Kennedy/Jenks Consultants: Technical Report, Assessment of Impact to Groundwater Quality From Lime Storage Pits; Liquid Air Corporation, Santa Fe Springs, CA, April 3, 1993
- (iv) Laboratory report of soil sampling analysis, June 2007
- (iv) See Response No. 8, item (vi) under Documents Produced Supporting Response

Parties Providing Information

Annette Bisby
Tammy Davis
Rafael Motta
Donna Smith
Peggy Wight

Dated: October 15, 2007

STEPHANIE K. PAYNE
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STEPHANIE K. PAYNE
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NEWELL, CAMPBELL & ROCHÉ LLP

/s/
STEPHEN G. MASON
Attorney for Respondent, Air Liquide America L.P.

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EXHIBIT A TO

**RESPONSE OF AIR LIQUIDE AMERICA L.P.
TO 104(e) REQUEST FOR INFORMATION
OMEGA SUPERFUND SITE**

GLOSSARY OF ACRONYMS/INITIALS/SHORT NAMES

AAL	American Air Liquide
ACI	American Croygenics, Inc., a Delaware corporation
ACIG	American Croygenics, Inc., a Georgia corporation
AGABXI	AGA Burdox, Inc.
AGAGI	AGA Gas, Inc.
ALAC	Air Liquide America Corporation
ALAHl	Air Liquide America Holdings, Inc.
ALALP	Air Liquide America L.P.
ALIUS	Air Liquide Industrial U.S. LP
ALSA	L'Air Liquide, Societe Anonyme Pour L'etude Et L'Exploitation des Procedes George Claude
ALUSA LLC	Air Liquide USA LLC
BOCC	Burdox Oxygen Company of Cleveland, Incorporated, an Ohio corporation
BOCCI	Burdox Oxygen Co. of Cleveland, Inc.
BXI	Burdox, Inc.
CERCLA	Comprehensive Environmental Response, Compensation and Liability Act.
COC	California Oxygen Company

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LAC	Liquid Air Corporation
LAI	Liquid Air, Inc.
LAIHI	LAI Holdings, Inc.
LAIP	LAI Properties, Inc.
LGLLC	Linde Gas LLC, a Delaware limited liability company
MG Burdett	MG Burdett Gas Products Company
MGII	Messer Griesheim Industries, Inc.
MGLLC	Messer Griesheim Industries LLC
RCRA	Resource Conservation and Recovery Act
SPTCO	Southern Pacific Transportation Company
TCA	1,1,1-trichloroethane
UP	Union Pacific Corporation

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Privilege Log

Air Liquide America LP -- Omega Superfund Site
Response of Air Liquide America LP To 104(e) Request For Information

AUTHOR	RECIPIENT(S)	<u>Date</u>	TYPE	SUBJECT	PRIVILEGE(S)
Lisa Barran	Stephen G. Mason, Esq.	4/2/03	Fax Transmittal and Attachment	8832 Dice Road: UST Closure	Attorney-Client

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stored in said underground storage as gasoline, diesel, acetone, and waste oil

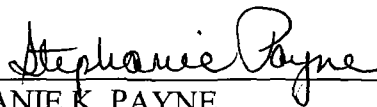
- (ii) Positive Lab Service: Cover letter and Certificate of Analysis both dated July 6, 2007, for soil sample in respect of lime slurry tank removal
- (iii) Kennedy/Jenks Consultants: Technical Report, Assessment of Impact to Groundwater Quality From Lime Storage Pits; Liquid Air Corporation, Santa Fe Springs, CA, April 3, 1993
- (iv) Laboratory report of soil sampling analysis, June 2007
- (iv) See Response No. 8, item (vi) under Documents Produced Supporting Response

Parties Providing Information

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Peggy Wight

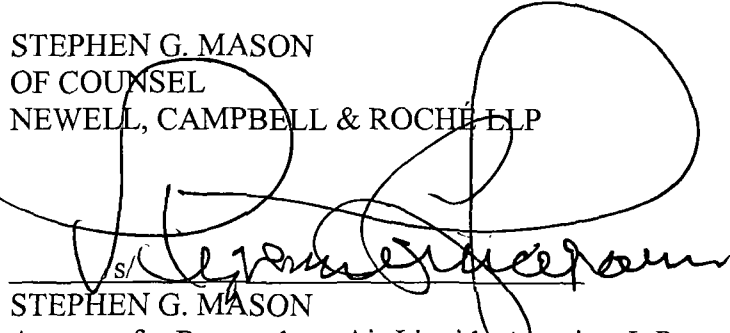
Dated: October 15, 2007

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AIR LIQUIDE USA LLC



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Attorney for Respondent, Air Liquide America L.P.

STEPHEN G. MASON
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STEPHEN G. MASON
Attorney for Respondent, Air Liquide America L.P.

PROOF OF SERVICE

I, Laura A. Morales, am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 520 South Grand Avenue, Suite 390, Los Angeles, California 90071-2600.

On **October 16, 2007**, I served the foregoing document described as

RESPONSE OF AIR LIQUIDE AMERICA L.P. TO 104(e) REQUEST FOR INFORMATION

on the interested party(ies) in this action by placing ___ the original X a true copy thereof enclosed in sealed envelope(s) addressed as follows:

Linda Ketellapper, SFD-7-5
Enforcement Officer
United States Environmental Protection
Agency, Region IX
75 Hawthorne Street
San Francisco, CA 94105

___ BY MAIL: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice, it would be deposited with the United States Postal Service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

___ BY MAIL: I deposited such envelope(s) in the mail at Los Angeles, California. The envelope(s) were mailed with postage thereon fully prepaid.

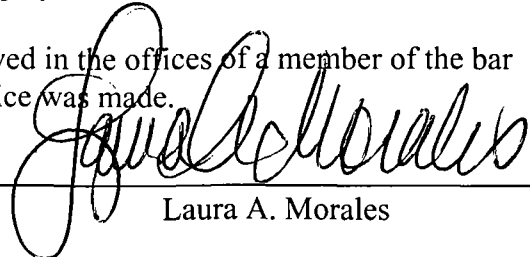
X BY FEDERAL EXPRESS: I caused such envelope(s) to be served by overnight courier, next day service to the offices of the addressee(s).

___ VIA FACSIMILE: I caused the above-referenced document to be served by facsimile transmission to the addresses at the fax numbers listed on the attached service list.

[] (STATE) I declare under penalty of perjury that the above is true and correct.

[X] (FEDERAL) I declare that I am employed in the offices of a member of the bar of this court at whose direction the service was made.

By



Laura A. Morales